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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
JAN 3 2007
JAN - 8 2007
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

CHARLES ANDERSON, trustee on behalf of)
PAINTERS DISTRICT COUNCIL NO. 30)
ET AL.,

Plaintiff;

Case No. 04-C -3302

VS.

HONORABLE PRESIDING
JUDGE JOHN F. GRADY

BEHALF OF AB. PAINTING &
SANDBLASTING, INC., *et al*

**MOTION TO BE HEARD REGARDING INEFFECTUAL COUNSEL
CAUSED IRRECOCILABLE DAMAGE TO CLIENT AND HARM
TOWARDS PERSERVATION OF THE INTEGRITY OF THE
JUDICAL PROCESS.**

Angela Puntoni, President, Pro-Se, Pray to the court in the interest of Justice
to allow motions regarding ineffectual representation by attorney involving
client A.B. Painting and Sandblasting Inc., an Illinois corporation and any /
all affiliates. The attached documentation on behalf of A.B. Sandblasting Inc

placed in Prior Attorney's possession, whom in turn failed to submitted the evidence, mislead client, and failure to adequately provide representation to the best of his ability in this matter. The Attached documentation supports set of facts stated as follows insures fairness, integrity and the reputation of the proceeding.

- 1) **Prior Attorney Representation regarding this matter before this court failed to afford representation adequately in his negligence to present any admissible evidence to controvert plaintiffs' complaint. Midwest was dismissed with prejudice. The Prior Attorney failed to counter-file False Charges, supporting documentation that would relieve AB. Painting & Sandblasting Inc of all Plaintiffs claims for Penalties, Interest, Liquidated Damages & Attorneys Fees, CPA Fees, Audit Cost and/or any other recourse AB was entitled to.**
- 2) **Prior Attorney's repeated actions to take upon himself without AB's knowledge or consent to mislead client with claims of representation but failed to perform or file said actions on AB. behalf (sec attachment documents). Exhibit A -(A-1,A-2 & A-3)Letters from G. Pontikes(Prior attorney) Dated 2/23/06, 4/11/06, 10/4/06**
- 3) **Attached Documents supports AB's always afforded the Attorney open communication. Exhibits B - letters to G. Pontikes (Prior attorney); Dated, 3/13/06, 3/19/06,12/6/06, 12/13/06.**

- 4) Prior Attorney requested Affidavit from Accountant for submittal to court regarding fraudulent Payroll errors, missing funds involving Union Dues and Payroll Taxes, by said Payroll Company, "Sharp Accounting et al". Prior Attorney in his representation failed to adequately represent client AB. by submitting altered Affidavit without client knowledge or consent (see attached documents). Exhibit C (C-1,C-2,C-3) From Accountant to Attorney G. Pontikes Dated 11/11/05,11/14/05(with attachment 4/1/04).

- 5) Prior Attorney's failure to bring before this court, this set of facts; Midwest is a subsidiary of AB. Painting & Sandblasting, Inc. (attached documents) Any evidence submitted for Midwest (a subsidiary) should have been applied on behalf of Parent Company AB. Painting & Sandblasting, Inc. Exhibit C (C-1,C-2,C-3),Dated11/11/05, 11/14/05(with attachment dated 4/1/04)

- 6) Prior Attorney changed answers to Interrogatories without clients knowledge or consent and failed to submit as he was instructed to do. (attached documents) Exhibit D Letter from client Dated 3/19/06, Exhibit B 12/13/06 #5, Letter from Attorney- Exhibit A-2 Dated 4/11/06 # 2.

Documentations submitted as follows;

- A. Attorney Communication with client.**
- B. Letters From client to Prior Attorney regarding alleged actions.**
- C. Original affidavits, changed affidavit submitted to court.**
- D. Interrogatories, changed answers submitted to court.**

CONCLUSION

Angela Puntoni, President, Pro-se acting on the behalf of AB. Painting & Sandblasting, Inc. Presented attached documentation sufficiently state a set of facts that substantially set forth allegations that affects the outcome of this District Court proceeding. The attached documentation, never submitted by Prior attorney, support claim District Council # 30 complaint for Penalties, Interest, Liquidated Damages and Attorneys' Fees is without merit. Acceptance of Documentations that set forth a set of facts as part of the records, a miscarriage of justice would otherwise results:

A handwritten signature in black ink, appearing to read 'Angela Puntoni', with a large, stylized loop at the beginning.

Angela Puntoni, Pro-Se
AB. Painting & Sandblasting, Inc
President
27511 Broadway Road
Morton, Illinois 61550

GEORGE C. PONTIKES & ASSOCIATES, P.C.

ATTORNEYS-AT-LAW
111 WEST WASHINGTON STREET
SUITE 1221
CHICAGO, ILLINOIS 60602
PHONE (312) 220-0022
FAX (312) 220-0097

February 23, 2006

Via Facsimile (309) 263-8543 & U.S. Mail

Angela Puntoni
c/o AB PAINTING & SANDBLASTING, INC.
27511 Broadway Road
Morton, Illinois 61550

**Re: Charles E. Anderson, et al. v. AB Painting & Sandblasting, Inc. et al.
Case No. 04-C-03302**

Dear Angela:

In light of the position taken by the Union in your matter, it is necessary that we proceed with our plans to present a Motion For Summary Judgment. I shall be sending you documents in that regard within this coming week, since I intend to present it on March 8, 2006 at 10:30 a.m.

I am enclosing our most recent statement which is self explanatory. The statement covers all of the services performed on behalf of AB Painting & Sandblasting, Inc., and Midwest Painting & Sandblasting, Inc., from October 11, 2005 through February 17, 2006. As you can see from the statement, substantial legal services have been performed during this period of time. A great deal of work has been required to respond to numerous Discovery Requests, as well as the Motion brought by William Leathem and the appearances before Judge Grady.

In light of the substantial services to be performed within the next two weeks, payment would be appreciated upon receipt.

Please call me with any questions.

Yours truly,

GEORGE C. PONTIKES & ASSOCIATES, P.C.


George C. Pontikes

Enclosure

F:\GCP\PUNTONA\Puntoni5.ltr.wpd

EX-A1-

GEORGE C. PONTIKES & ASSOCIATES, P.C.

**ATTORNEYS-AT-LAW
111 WEST WASHINGTON STREET
SUITE 1221
CHICAGO, ILLINOIS 60602
PHONE (312) 220-0022
FAX (312) 220-0097**

April 11, 2006

RECEIVED
APR 12 2006

Via Facsimile (309) 263-8543

Angela Puntoni
c/o AB PAINTING & SANDBLASTING, INC.
27511 Broadway Road
Morton, Illinois 61550

**Re: Your letter of April 9, 2006 & Status of Matter
Charles E. Anderson, et al. v. AB Painting & Sandblasting, Inc. et al.
Case No. 04-C-03302**

Dear Angela:

Please let me respond to your letter of April 9, 2006 and give you a status update.

With regard to the issues raised in your letter, I respond as follows:

1. I was not in a position to prepare a Motion for Summary Judgment until the Discovery was completed. I am now;
2. The delay with regard to answering the Interrogatories after February 20, 2006, I was unable to submit them, because you signed the Affidavits with all kinds of statements, which had already been incorporated into the Answers. I had to re-prepare the Affidavits and send them to you to be signed again before I could submit them. That resulted in the additional cost. As I stated to you in my letter of March 29, 2006, William Leathem has had all the information since January 24, 2006;
3. I will inform you of Court dates as quickly as I can. William Leathem has the habit of setting Court dates on very short notice, which does not give me much time to notify you;
4. I agree that I waited for a long time before sending you a statement. I will remedy that in the future. In the meantime, I think the resolution to that matter is an

EX - A2

George C. Pontikes & Associates, P.C.

ATTORNEYS AT LAW

Angela Puntoni
April 11, 2006
Page 2

installment plan of payment, which you outlined to me and with which I agree. Let me emphasize that I am not insisting that the entire statement be paid all at once.

I have been served with a Motion for Summary Judgment and a Third Request for Admission of Facts. I am overnighting you a copy of both documents without the Exhibits. The matter was originally scheduled for April 5, 2006 and has been rescheduled for April 12, 2006 at 10:30 a.m. William Leathem and I have agreed to a briefing schedule. We will have 14 days to respond and they will have 14 days to reply. Then, the judge will take it under advisement and decide. This means that neither of us have to appear. I will be responding to their Motion with our own Motion for Summary Judgment.

Please call me after you have received this letter.

Yours truly,

GEORGE C. PONTIKES & ASSOCIATES, P.C.



George C. Pontikes

Enclosures via Federal Express

F:\GCP\PUNTONI\PuntoniB ltr.wpd

EX-A2

GEORGE C. PONTIKES & ASSOCIATES, P.C.

ATTORNEYS-AT-LAW
111 WEST WASHINGTON STREET
SUITE 1221
CHICAGO, ILLINOIS 60602
PHONE (312) 220-0022
FAX (312) 220-0097

October 4, 2006

Angela Puntoni
AB PAINTING & SANDBLASTING, INC.
27511 Broadway Road
Morton, Illinois 61550

Re: Anderson v. AB Painting - Case No. 04-C-03302

Dear Angie:

I am enclosing a Memorandum Opinion of Judge Grady, entered in accordance with the Motion of the Plaintiffs for Summary Judgment. The decision was pretty much what I expected. It is, however, not a final judgment.

You will note that the Plaintiffs have until October 9, 2006 to submit declarations or affidavits and a proposed Order setting forth the amounts they request for interest or statutory liquidated damages and attorneys' fees and costs. We have until October 16, 2006 to file any objections.

On October 16, 2006, we will file the following:

1. A Motion to Stay Enforcement of the Judgment, until we file an Offset for the amounts due as a result of payments for more hours than were actually worked;
2. Our objections to any interest, statutory liquidated damages, attorneys' fees and other costs requested;
3. Our Motion for Summary Judgment with regard to all of the other workers cited by the Plaintiffs;

EX - A3

GEORGE C. PONTIKES & ASSOCIATES
ATTORNEYS AT LAW

Angela Puntoni
AB Painting & Sandblasting, Inc.
October 4, 2006
Page 2

4. A Motion to add the prior accountants as additional parties who owe you for any statutory liquidated damages, interest and attorneys' fees assessed.

Please call me upon receipt of the Opinion and this letter. Payment as requested in my prior letter would be appreciated.

Yours truly,

GEORGE C. PONTIKES & ASSOCIATES, P.C.



George C. Pontikes

Enclosure

F:\GCP\PUNTONI\Puntoni17 ltr.wpd

EX-A3

VIA FAX 03/14/06

AB PAINTING & SANDBLASTING, INC.
27511 BROADWAY ROAD
MORTON, IL 61550
(309) 266-5877 FAX (309) 263-8543

March 13, 2006

Mr. George C. Pontikes
George C. Pontikes & Associates, P.C.
111 West Washington St., Suite 1221
Chicago, IL 60602

RE: Arbitration
Case No. 04 C 3302
U.S. District Court, No District of Illinois

Dear George:

Since you have not contacted me regarding the upcoming Wed. March 15th hearing, I request the following points be addressed to Judge Grady and included in any and all arbitration dialogue. You are hereby authorized to only submit the following specific points:

1. **Penalties, Interest & Liquidated Damages:**

On Jan. 6, 2004, the total amount owed to Charles Anderson, et al was \$5,189.22 (1/06/04 letter/invoice attached).

\$3,217.32 - 62% for Non-Union employees (temp./part time)

\$1,971.90 - 38% Union Members employees

Charles Anderson, et al, continues to assess and accrue penalties, interest and liquidated damages on non-union (temp/part time employees) which was, and continues, 62% of the total charges to date.

2. **Refusal to Arbitrate**

Charles Anderson, et al, has refused to arbitrate. Three years of correspondence, four audits, filing this case in District Court forcing legal representation, accounting, plus Chicago meetings that have been a "total waste of time" and incurred thousands of dollars in unnecessary and frivolous fees.

3. **Unnecessary Legal & Accounting Fees**

Charles Anderson, et al, has relentlessly pursued me to bankrupt my company. To date, the following summarizes my legal and accounting fees and does

EX - B

Page 2 - Mr. George C. Pontikes
March 14, 2006

3. Unnecessary Legal & Accounting Fees - Continued

not include all the costs to my business and me for the endless hours of correspondence, etc.

\$24,135.13 Attorney Fees (does not include March forward)
\$14,908.00 Accounting Fees
\$ 932.59 to Charles Anderson, et al for first audit.

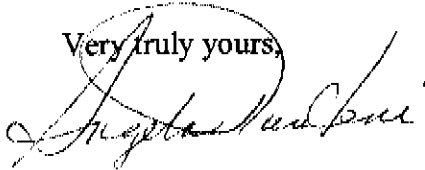
I have a very, very small company (\$19,871.96 net income in 2004). Charles Anderson, et al, is fully aware of how small of a company and the limited income because they have conducted 4 audits on my books. Charles Anderson, et al, motion to the court accusing me (Midwest Painting) of dishonesty and lies incurred thousands of dollars of direct costs.

4. Refusal to Pay Costs

My attorney has informed me that Charles Anderson, et al, will not pay any of the fees incurred due to the court filing (financial records, corporate records, production of documents, court hearings-Midwest motion).

I request monetary reimbursement for all my attorney & accounting fees along with all the court costs for 3 audits, production of documents, and the motion accusing me (Midwest) of dishonesty and lying.

Very truly yours,



Angela Puntoni
AB Painting & Sandblasting, Inc.

cc: Attachment as stated.

EX-B

AB. PAINTING & SANDBLASTING, INC.
27511 BROADWAY ROAD
MORTON, IL 61550
309/266-5877 FAX 309/263-8543

March 19, 2006

GEORGE C. PONTIKES & ASSOCIATES, P.C.
111 West Washington Street
12th Floor
Chicago, Illinois 60602
312/220-0022 Fax 312/220-0097

Attn: George Pontikes

RE: Response to Affidavits Faxed on 3/17/06 at 14:49.

Dear George,

I received the Two Affidavits (signature page only) and I will not sign the signature page without the Documentation of what I'm signing for.

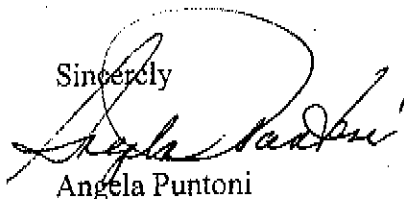
I signed the original Affidavits for the answers to the Interrogatories in their entirety and hand carried to you on February 20, 2006 on the day of the alleged Arbitration in the presence of my CPA.

Since we have had absolutely no Dialogue about the Interrogatories until now, I have no idea of what's going on. I do not know why you have not filed the Answers to the Interrogatories.

If there is a new set of Interrogatories that I am unaware of, please send them to me so I can read them.

If there are no New Interrogatories, then you are hereby only authorized to submit the Affidavits I handed to you on 2/20/2006.

Sincerely


Angela Puntoni

EX-B

U.S. Postal Service [®]	
CERTIFIED MAIL [™] RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com .	
OFFICIAL USE	
Postage	\$ 4.05
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 8.30
Sent to <u>GC. PONTIKES & ASS</u>	
ZIP+4 <u>61550-2144</u>	

5420 0002 3525 8365

Postmark Here

MACKINAW, IL 61550

AB. PAINTING & SANDBLASTING, INC.
27511 BROADWAY ROAD
MORTON, ILLINOIS 61550
309/266-5877 FAX 309/263-8543

TO: GEORGE PONTIKES
111 West Washington Street, Suite 1221
Chicago, Illinois 60602
312/220-0022 Fax 312/220-0097

December 6, 2006

Attn: George Pontikes

RE: Pay Request

Dear George,

Where is the SUMMARY JUDGEMENT? THAT I REQUESTED IN JULY OF 04 WHEN I RETAINED YOU, AND THAT YOU HAVE PROMISED ME EVERY MONTH FOR THE PAST 17 MONTH'S?

YOU CONTINUE TO TELL ME THAT YOU ARE GOING FILE A SUMMARY JUDGEMENT, BUT TO DATE, HAS STILL NOT BEEN DONE. BUT YOU CONTINUE TO CHARGE ME? FOR WHAT?

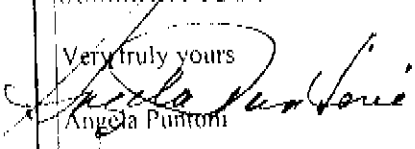
I PLEADED WITH YOU LAST YEAR TO RESOLVE THIS CASE AND FILE THE SUMMARY JUDGEMENT ASAP BECAUSE I WAS A SMALL BUSINESS AND MY FUNDS WERE LIMITED. YOU PROMISED ME THAT YOU WOULD.

SINCE YOU AND THE UNION APPROACHED ME ABOUT SUING THE ACCOUNTING SERVICE FOR THE UNION, AND I REFUSED. I BELIEVE THAT YOU NOT FILING THE SUMMARY JUDGEMENT HAS BEEN DELIBERATE ACT.

IT IS MY UNDERSTANDING THAT THE COURT RULED AGAINST ME, SAYING I OWE THE UNION MONEY. ALL THE COURT AS YET TO RULE ON, IS HOW MUCH.

YOU PROMISED TO KEEP ME ABREAST OF THE COST AND DIDN'T. THEN SEND ME A BILL FOR OVER \$10,000.00 AND DEMAND PAYMENT, AND I REMIND YOU AGAIN WITHOUT THE SUMMARY JUDGEMENT I REQUESTED THE DAY AB. PAINTING RETAINED YOU.

Very truly yours


Angela Puntoni

EX-B

AB. Painting & Sandblasting, Inc.
27511 Broadway Road
Morton, Illinois 61550
309/266-5877 FAX 309/263-8543

CASE NO 04-C-03302

December 13, 2006

George Pontikes
111 West Washington Street
Suite 1221
Chicago, Illinois 60602
312/220-0022 Fax 312/220-0097

Fax 312/220-0097
& Regular Mail

Attn: George Pontikes

RE: Anderson v. AB Painting – Case No. 04-C-03302

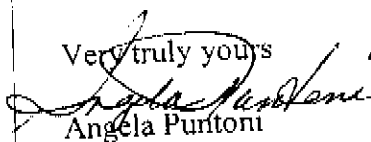
Dear George,

I accept you resignation from the above Federal court case.

Unfortunately you should have tenured your resignation 17 months ago in July of 05 before incurring Thousand of dollars in meaningless legal fees as outlined as follows.

- 1) AB request to you to file for a summary judgment numerous times, with the first request in July of 2005.
- 2) Your continued persistence to retain you and DC #30 in legal Proceedings against the Bookkeeping/ Accounting firm that made the errors.
- 3) Since July of 2005 your involvement with Plaintiff Legal council without our knowledge or permission.
- 4) Your blatant disregard for our financial agreement.
- 5) And lastly let us not forget the "Interrogatories" that I completed, that you never submitted to the Court. And of course I have the supporting documentation to support all the issues listed.

Very truly yours


Angela Puntoni

Cc: William W. Leuthem, Jacobs, Burns, Orlove, Stanton & Hernandez 122 South Michigan Avenue, Suite 1720,
Chicago, Illinois 60603-6145

Honorable John F. Grady or any other Judge sitting in his stead, in Courtroom 2201, usually occupied by him at the
Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois 60604.
(see attachments)

EX-B

November 14, 2005

TO: George Pontikes

FROM: Tina Callahan

SUBJECT: Midwest/AB/District Council 30
Midwest Payroll Errors

Attached is my letter/statement relative to the subject
Issue and the upcoming Wed. hearing.

Please note the following:

Attachment A: Midwest Painting & Sandblasting, Inc.
2002 U.S. Corporation Income Tax Return

Attachment B: April 1, 2004 letter to Painters District
Council No. 30 from Angela Puntoni.

Attachment C: Angela Puntoni's notarized affidavit
Authorizing release of Attachment A.

I cannot quote in legal terms the extent of "privileged
information". Sharp Accounting, et al were fired prior to
the first PDC 30 audit; therefore, AB/Midwest/Angela Puntoni-
Wm. Koepnick were not their clients. Perhaps there is a legal
issue here in that privileged financial records have been released
for public information without the "clients" permission or
authorization.?


Tina Callahan

EX-C2

November 11, 2005

Mr. George C. Pontikes & Associates, P.C.
111 West Washington Street
Chicago, Illinois 60602

SUBJECT: Midwest Painting & Sandblasting, Inc.
AB Painting & Sandblasting, Inc.
Painters District Council No. 30
Payroll Audits

Dear Mr. Pontikes:

I was retained by AB Painting & Sandblasting, Inc. in 2002 thru 2004 to perform accounting and bookkeeping services relative to Painters District Council No. 30 payroll audit(s)/results.

Per your request, the following specifically addresses issuance of payroll checks to AB Painting & Sandblasting, Inc. employees Ron Beaver, Jr. and Bill Hansen by Midwest Painting and Sandblasting, Inc. in 2002.

Both AB Painting & Sandblasting, Inc. (hereinafter referred to as AB) and Midwest Painting & Sandblasting, Inc. (hereinafter referred to as Midwest) 2002 financial and employee payroll records document the following information:

1. Ron Beaver, Jr. and William (Bill) Hansen were both employees of AB. Neither employee had ever been employed by Midwest. Midwest neither contracted, subcontracted, or procured any jobs or work. Midwest

EX-C2

Page 2

Mr. George C. Pontikes

November 11, 2005

never hired any employees: full time, part time, temporary or permanent status.

2. Midwest was incorporated in 2002 as an equipment leasing business. Midwest did not acquire any equipment or assets to conduct business.
3. Midwest did not conduct any business in 2002. This is evidenced by Midwest's 2002 U.S. Corporation Income Tax Return, prepared 03-19-03, by Neff Accounting, Inc./Sharp Acct. Please refer to Attachment A. This tax return has no income amount or figure on Line 11: Total Income0; Midwest did not generate any income.
4. On Line 13, Attachment A, please note the total Salaries and Wages amount of \$2,243. The \$2,243. Midwest Salaries and Wages were paid to Ron Beaver, Jr. and William (Bill) Hansen (for one pay period in September and two pay periods in October, 2002) by Neff Accounting, Inc./Sharp Acct.
5. Ron Beaver, Jr. and William (Bill) Hansen were both employed by AB in 2002 as evidenced by time sheets payroll records, W2s, and job work records. AB subcontracted work on the Bloomington Normal Wastewater Treatment Plant (BNWTP) in 2002. Ron Beaver and William (Bill) Hansen were employed by AB to work on the BNWTP. The 2002 AB time sheets and payroll journals evidence Ron Beaver, Jr. and William (Bill) Hansen as employees.

EX-C2

Page 3

Mr. George C. Pontikes

November 11, 2005

Midwest

6. I could not locate ^{Midwest} contribution reports for the months of Sept. and Oct. 2002 to District Council 30 for the gross wages & hours paid by Midwest to R. Beaver/Wm Hansen. The payroll records indicate the error was detected because the \$2,243 wages and R. Beaver and Wm. Hansen's hours were reported (included) and paid to District Council 30 et al in the Sept. and Oct. 2002 monthly contribution reports under AB.

I could not locate the Midwest payroll for the two employees (Beaver and Hansen) in the payroll audit summary/report and Assessment issued by District Council 30. I concurred with Ms. Puntoni and Mr. Koepnick (AB & Midwest Corp. officers and owners) that correspondence needed to be initiated to District Council 30 to work with them on any payroll report disparities (audit report/summary and corp. payroll records).

On April 1, 2004, a letter was written to Painters District Council No. 30 specifically addressing the Payroll Audit - AB Painting & Sandblasting, Inc. Please note on page 2, Item 2 addresses the Midwest Payroll error. I am attaching a copy of that letter and is referenced as Attachment B.

A plausible or possible explanation for the Midwest payroll errors could be: The bookkeeping/accounting company ordered and used in-house computerized checks. The checks for both companies (AB and Midwest) looked exactly alike except for the corporation name; otherwise, same color and

EX-C2

Page 4

Mr. George C. Pontikes

November 11, 2005

size, same address and same telephone/fax number. Perhaps the "Midwest" checks were inserted into the printer instead of "AB" Checks.

Tax returns, general ledger, and most financial information is privileged information. I have attached Ms. Angela Puntoni's affidavit (Attachment C) which authorizes the release of the 2002 Midwest Tax Return for public information and the hereto referenced Attachment A.

Please note Ginoli & Company, LTD, Certified Public Accountants and Business Consultants, 411 Hamilton Blvd., Suite 1616, Peoria, IL 61602-1101 have been retained by AB. If you need any additional information or documentation, please do not hesitate to contact them.

Very truly yours,



Tina M. Callahan

P.O. Box 239

County Road 198

Adin, CA 96006

EX-C2

AB PAINTING & SANDBLASTING, INC.
27511 Broadway Road
Morton, IL 61550

April 1, 2004

Mr. Ryan Anderson
Painters District Council No. 30
Health & Welfare Fund and Pension Fund
3813 Illinois Ave. Suite 102
St. Charles, IL 60174

SUBJECT: Payroll Audit - AB Painting & Sandblasting, Inc.

Dear Mr. Anderson:

We have spent a great deal of time attempting to locate and retrieve all of our corporate records from the bookkeeping/payroll/tax service, Sharp Accounting, et al (This accounting/payroll/bookkeeping company is comprised of three or four "dba" so will reference all as Sharp Accounting for clarity.).

We have found all the copies of the "Monthly Report of Payments" (monthly report) for 2001, 2002, and 2003.

We discovered Sharp Accounting made a multitude of serious errors on our payroll and payroll records in 2001, 2002, 2003 and probably in previous years. The most important errors are the employees' time sheets do not balance to the hours paid/gross payroll.

We will try to address the payroll issues and problems in the most forthright, understandable language.

2002

1. Al Jackson was sent from Local 157 Hall for work as a union member in March; 2002. Al Jackson was employed and worked 22 hours @ \$23.35/hr. totaling \$513.70 gross wages. Al Jackson was not and is not a union member as we discovered trying to locate him for child support services. Sharp Accounting included his hours and gross wages March, 2002 monthly report. We reported the error to union representatives and requested an adjustment. Was this error included in the audit calculations?

EX - C3

Page 2

Mr. Ryan Anderson

April 1, 2004

2002 (continued)

2. The records indicate Sharp Accounting issued payroll checks to an AB Painting and Sandblasting, Inc. employee, Ron Beever, Jr. in October 2002 on Midwest Painting and Sandblasting, Inc. checking account. It appears there were three separate checks issued to Ron Beever, Jr. for three separate pay periods. Sharp Accounting did not submit a monthly report for Midwest Painting declaring those hours and gross wages. Ron Beever, Jr. actually worked a total of 43 hours (for AB Painting). Although Sharp Accounting erroneously paid Mr. Beever as a Midwest Painting employee, they declared the 43 hours in the AB Painting October monthly report.
3. The original time sheets for the year 2002 for AB Painting & Sandblasting, Inc. total 1,421.5 hrs. (excluding A. Jackson, as explained in item 1); the total reported on the 2002 monthly reports total 1,429.5 hours: a difference of 8 hours. The 2002 gross payroll does not balance to the 2002 time sheets. There are a multitude of errors including employee hourly rates, hours worked vs. hours paid, etc.
4. The "shop hours" referenced in the audit notes are a part of Sharp Accounting payroll and hours computation and reporting errors. The union employee time sheets do not contain any "shop hours" because they did not work in the "shop". Any employee hours computed at rates different than their standard rates were errors in the 2001/2002 gross payroll. It appears these errors were included in the gross salaries in the monthly reports.
5. Our 2002 employee time sheets do not balance to the hours declared in the monthly reports. The following is an example:

Ron Beever, Jr	6/02 Actual hours:	108.5
	6/02 Reported hours:	140.5
	7/02 Actual hours:	149.0
	7/02 Reported hours:	111.0

EX-C3

Page 3
Mr. Ryan Anderson
April 1, 2004

2001

1. The 2001 union employee time sheets and the 2001 monthly reports computations are as follow:

2001 Time Sheets <u>Total Hours*</u>	2001 Monthly Reports <u>Total Hours:</u>
3,297.5	3,584.5

*includes overtime hours

Since these errors involve the employee gross salaries for previous years, we cannot change what the employees were actually paid.

As we have previously explained to you, Sharp Accounting computed the employees payroll from the original time sheets and was responsible for all payroll/payroll tax reporting. Sharp Accounting prepared all the monthly contribution reports; therefore, attested to their accuracy.

The cost to recalculate 2001 and 2002 is prohibitive to our small company. We want to propose a "net" adjustment for the years 2001 and 2002 in the hours and gross payroll. The overpayments and errors on the payroll have certainly cost our company a sizable amount of money.

Our CPA has filed an extension of time to IRS for the year 2003 for both AB Painting & Sandblasting, Inc., Midwest Painting & Sandblasting, Inc. and our personal tax returns. Most of our 2003 records and original documentation are in the CPA's office.

EX-C3

Page 4

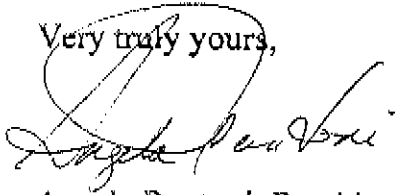
Mr. Ryan Anderson

April 1, 2004

Our goal is to make certain our employees attain the benefits they earned working for our company.

We will make every effort to work with you and District Council 30 in adjusting the errors made in 2001 and 2002.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Angela Puntoni".

Angela Puntoni, President
AB Sandblasting & Painting, Inc.

cc: Bansley & Kiener, L.L.P.

EX-C3

I only agree to the amended attachments:

EXHIBIT A: Second Amended response to plaintiffs' first set of requests for admission of facts and genuineness of documents

P/GCP/PUNTONI/ResponseInterrog.wpd

P 2/3) 8 Answer; Deny, Ron Beevers hours were reported during the months 4/01,3/02,through 8/02.

9. Answer; Deny, contributions to the funds were submitted for Ron Beever for the months of 4/01,3/02 through 8/02.

10. Answer; Deny, Dues and assessments were submitted to the Union for Ron Beever for the months of 4/01, 3/02 through 8/02.

P.6) 23. Answer; Admit, but the report was not required.

24. Answer; Admit, but the report was not required.

25. Answer; Admit, but there was no obligation to remit dues and assessments.

P.7) 31. Answer; Deny, James Logothetis hours were reported to the Funds and Union for the months of 4/02 through 6/02.

P.8) 32. Answer; Deny, Contributions were made to the Funds on behalf of James Logothetis for the months of 4/02 through 6/02.

33. Answer; Deny, Dues and assessments were submitted to the Union for James Logothetis for the months of 4/02 through 6/02.

P.9) 37. Answer; Deny, Ron Beever hour were reported to the Funds and Union for the months of 9/02 and 12/02.

38. Answer; Deny, Contributions were submitted to the Funds on behalf of Ron Beever for the months 9/02 and 12/02.

39. Answer; Deny, Dues and assessments were submitted to the Union for Ron Beever for the months of 9/02 and 12/02.

Continued Page 2

AFFIRMATION

I, Angela Puntoni, upon oath and under the penalty of perjury, swear and affirm

That the Answer to the above interrogatory is truthful, accurate and complete to the best of my knowledge.



Subscribed and sworn to before me
this _____ day of _____, 2006.

NOTARY PUBLIC

EX-10

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

George Pontikes &
Associates P.C.
111 West Washington Street
12th Floor
Chicago, Illinois
60602

COMPLETE THIS SECTION ON DELIVERY

A. Signature

David James H

☐ Agent
☐ Addressee

B. Received by (Printed Name)

David James H

C. Date of Delivery

3-22-06

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article Number

(Transfer from service label)

7005 1820 0002 3525 8365

PS Form 3811, February 2004

Domestic Return Receipt

102596-02-04-15

EX-D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

*Charles Anderson, Trustee on behalf of
Painters District Council No 70
ET, AL.*

PLAINTIFF

CASE NO. 04-cv-3352

VS.

A.B. Painting & Sandblasting, Inc.

DEFENDANT

PROOF OF SERVICE

TO: See Attached Service List

TO: _____

TO: _____

I, the undersigned (plaintiff / defendant), certify that on the 3 day of January 2007,
served a copy of this Motion to each person whom it is directed by way of
via hand delivery in open court

Name A.B. Painting & Sandblasting, Inc

Address 2751 Broadway Rd

City/Zip Morton, IL 61552

Telephone 618-309-266-5877

[Signature]
SIGNATURE / CERTIFICATION
[Signature]

1/3/07
DATE

Attached Service List

George C. Pontikes, Attorney at Law
111 West Washington Street
Suite 1221
Chicago, IL 60602

Midwest Painting &
Sandblasting, Inc.
22511 Broadway Rd
Morton, IL - 61550

William W. Heathern
Jacobs, Burns, Orlove, Stanton & Hernandez
122 S. Michigan Avenue, Suite 1720
Chicago, IL 60603-6145

Northern Illinois Painters
Decorators and Drywall Finishers
Joint Apprenticeship and Training
Fund

Anthony Pirozzi, Jr.

Neal S. Deodhar
Jacobs, Burns, Orlove, Stanton, & Hernandez
122 S. Michigan Avenue Suite 1720
Chicago, IL - 60603-6145

Northern Illinois Painting &
Drywall Institute

No. 30 District Council of
The International Union
of Painters and Allied
Trades, AFL-CIO

Charles E. Anderson, ~~Chair~~
Painters District Council #30
~~111th~~ 3813 Illinois Ave
St Charles, IL 60174

Painters District Council #30
Health & Welfare Plan

Painter District Council #30
Pension Fund